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Summary record of the 30th meeting
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Chair: Ms. Bras Gomes

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The meeting was called to order at 3.10 p.m.

Substantive issues arising from the implementation of the International Covenant on Economic, Social and Cultural Rights

Submissions by national human rights institutions and non-governmental organizations

1. **The Chair** invited representatives of national human rights institutions and non-governmental organizations to address the Committee, noting that some of them would be taking part in the meeting via video link.

Argentina

2. **Ms. Cárdenas** (Centro de Estudios Legales y Sociales), speaking via video link, said that structural limitations on the enjoyment of economic, social and cultural rights by a majority of the population had worsened in recent years owing to political and economic measures that had led to the concentration of capital in certain sectors, soaring public debt and disproportionately adverse effects on low-income groups as a result of cuts in public spending on housing and social protection. Moreover, the elimination of subsidies for gas, electricity and transport had led to price hikes for those services. Since 2016, the price of public services had increased by between 200 and 1,000 per cent. Unemployment had risen from 5.9 per cent in the third quarter of 2015 to 9.1 per cent in the first quarter of 2018. In addition, the old-age pension and social security systems had been scaled back. The bleak situation was compounded by severe inflation, which was estimated at over 40 per cent in 2018, and plummeting purchasing power.

3. In April 2018, the situation had been further aggravated by a currency exchange crisis that had seen the national currency devalued by more than 100 per cent against the United States dollar. The Government had committed to reimbursing an International Monetary Fund loan by means of a drastic fiscal adjustment intended to achieve a balanced budget in 2019. As part of the austerity measures, the Government had recently restructured the Cabinet, downgrading the ministries responsible for policies that were particularly relevant to economic, social and cultural rights. The Committee would find further information on topics such as migrants, campesinos, mental health, abortion and the right to work in the seven alternate reports produced by the centre on whose behalf she was speaking.

4. **Ms. García Rey** (Amnesty International), speaking via video link, said that the Committee's review of Argentina was taking place in the context of austerity measures that were having a huge impact on the enjoyment of economic, social and cultural rights in the country. Not only had Argentina recently lost a historic opportunity to move towards the decriminalization of abortion, despite considerable civil support for the bill, but it had also taken backward steps in respect of access to legal abortion, the enjoyment of sexual and reproductive rights and access to services in general.

5. In a country where the rate of unwanted teenage pregnancies was 41.9 for every 1,000 girls aged 15 to 19 years and where a girl aged 10 to 14 gave birth every three hours, it was vital to ensure that young people had access to comprehensive sexual education, legal abortion, counselling and treatment for sexually transmitted diseases, and that their privacy and the principle of informed consent were respected when they sought such services. The Government's announcement that it would, in 2018, promote a bill amending the Criminal Code gave it an opportunity to align Argentine legislation with international human rights norms and decriminalize abortion for both women and medical professionals.

6. Significant changes had taken place in the extractive sector over the past 20 years. The current Government had removed duties on mining exports and introduced incentives for oil and lithium companies. However, indigenous communities, such as the one in Salinas Grandes, claimed that exploration and exploitation permits had been granted on their territory without prior consultation. Elsewhere, the Government was playing on national security fears to limit migration and repress demonstrations by the Mapuche people. In the light of the Government's regressive policies, she would ask the Committee

to remind the State party of its obligations with regard to economic, social and cultural rights.

7. **Mr. Bullrich** (Defensoría Edmundo Rice), speaking via video link, said that the Government's efforts in the education sector should not be limited to expanding coverage but should also seek to improve access and retention rates, as well as provide youngsters with opportunities to move on to higher education or enter the labour market. An average of one in ten secondary students repeated a year at school, though there was a marked discrepancy in the repetition rate between private and public schools. Almost one in four students either failed or dropped out, with the rate varying significantly among provinces. The percentage of students who left during the school year without requesting admission to another school ranged from 1 to 5.5 per cent. The average national expenditure per secondary student per year was 41,000 pesos, and 90 per cent of spending went on teachers' salaries, leaving little for investment in infrastructure or policy implementation. With regard to the quality of education, the State party should fulfil the commitments set out in its 2008 document "Educational Goals for 2021".

8. **Ms. Liebenberg** (Country Task Force) said that she would be interested to know what the NGOs thought should be the focus of the Committee's questions to the State party on the decriminalization of abortion.

9. **Mr. Uprimny** (Country Rapporteur), noting that the State party claimed that Decree No. 70/2017 did not modify the thrust of its migration policy, asked what recent amendments to the Migration Act were of concern to NGOs.

10. **Ms. García Rey** (Amnesty International) said that the bill on abortion, which had enjoyed broad consensus and would have guaranteed access to abortion in the first 14 weeks of pregnancy and after 14 weeks in the event of rape, fetal abnormality or risk to the mother, had been rejected by the Upper House without an alternative text being proposed. However, the announced review of the Criminal Code represented another opportunity to, at a minimum, ensure that women and health-care professionals were not prosecuted for undergoing or performing an abortion. The problem was that the anti-rights groups that were largely behind the rejection of the decriminalization bill — including the Catholic Church — were even attacking legal abortion and were actively campaigning against comprehensive sexual and reproductive health education. It was important not to permit the provinces to use the country's federal structure to skirt their obligations with regard to the realization of rights.

11. Regarding migration, the concern was that Decree No. 70/2017 essentially criminalized migration, hindered access to the country — especially if a migrant had a criminal record — and no longer recognized family reunification as a right. Moreover, migrants in an irregular situation could henceforth be deprived of their liberty, and mechanisms intended to regularize migration status were instead being used to expel migrants.

12. **Mr. Mancisidor de la Fuente** (Country Task Force) asked what the main ways of improving the quality of education might be, whether there were disparities in access to the Internet and whether he was correct in understanding that there was no indigenous programming in public media.

13. **Mr. Bullrich** (Defensoría Edmundo Rice) said that quality education should include measures for the personal development of students, academic success and progression to higher education. The inclusiveness of education was another key factor, as many children with disabilities experienced difficulties pursuing their studies, especially from the secondary level onward. Notwithstanding the fact that it was the provinces that were responsible for education, steps should be taken to ensure that the decisions and procedures of the Federal Council for Culture and Education were enforced.

14. **Ms. García Rey** (Amnesty International) said that the 2015 amendments to legislation regulating the media had introduced a radio licence, which was not accessible to indigenous communities. The disparities in access to the Internet were a consequence of a monopoly among service providers.

15. **Mr. Uprimny** asked how civil society viewed the Government's argument that lifting duties on mining exports would stimulate growth and generate income that could be invested in social reforms.

16. **Ms. Miguens** (Centro de Estudios Legales y Sociales), speaking via video link, said that there was no tangible evidence that the lifting of export duties had any medium-term benefits for economic growth or investment. On the contrary, the progressive decrease in such duties over the past two years had not yielded any concomitant increase in investment. The duties had been an indispensable source of income that underpinned social protection schemes.

17. **Mr. Verzeñassi** (Instituto de Salud Socioambiental) said that, over the past 20 years, the Government had set up an agro-industrial model based on genetically modified organisms and the intensive use of pesticides, to the detriment of family farming and the environment. As a consequence, the soil, air, waterways, food and even human beings had been contaminated. Traces of pesticide had been found in the blood and urine of people living in fumigated areas, which also had higher rates of miscarriage, birth defects and cancer. The Special Rapporteur on the right to food had noted the problem during her visit to the country. The Government was aware of the harm being caused and yet it continued to approve the use of genetically modified organisms and pesticides that were banned elsewhere.

18. **Mr. Queles** (Red de Abogados de Pueblos Fumigados) said that the situation described by the previous speaker led to violations of economic, social and cultural rights, such as the rights to health, food and freedom, inasmuch as people were prevented from choosing safe food options. Furthermore, the Government failed to apply its own environmental laws, which provided for mandatory environmental impact assessments prior to the launch of potentially harmful activities. The Inter-American Court of Human Rights, in its advisory opinion OC-23/17, had recognized the connection between the protection of the environment and the realization of human rights. Accordingly, he requested the Committee to urge Argentina to apply environmental law, to prioritize the rights to food and health and to re-categorize pesticides using the classification developed by the World Health Organization (WHO) and the Food and Agriculture Organization of the United Nations.

19. **Ms. Ríos** (Fundación InterAmericana del Corazón Argentina) said that the Government had downgraded the Ministry of Health to a State secretariat, which entailed a budget cut and a loss of decision-making power that would invariably affect health policy. In Argentina, nearly 60 per cent of the population was overweight and a fifth of that group was obese. Obesity among adolescents was rising, while the obesity rate among children under 5 years of age was the highest in Latin America. Children under 12 years of age were exposed to over 60 commercials for unhealthy food per week and Argentina had no regulations on the advertising of such products to protect children from abusive marketing. Furthermore, the consumption of sugar was three times the amount recommended by WHO. Yet there was no obligation to include sugar content in nutritional tables. The information provided under current food labelling rules was not clear and was useless for making healthy choices. Moreover, false claims by companies prevented the adoption of effective policies on front-of-package labelling.

20. A quarter of the population of Argentina and around 24 per cent of teenagers, many of them girls, smoked tobacco. Tobacco consumption accounted for just over 13 per cent of deaths nationwide. Existing restrictions on tobacco marketing and regulations concerning tobacco were clearly ineffective.

21. The Committee might wish to call on the Government of Argentina to restrict the marketing and promotion of unhealthy foods and drinks; adopt a front-of-pack labelling policy for such products; ban all marketing, promotion and display of tobacco products and tobacco company sponsorship; and ratify the WHO Framework Convention on Tobacco Control.

22. **Mr. Auletta** (Equipo Nacional de Pastoral Aborigen) said that violence and discrimination against indigenous peoples in Argentina had risen significantly in recent years. The continued failure to appoint a national ombudsman was a matter of concern.

Officials of the Ombudsman's Office previously working on indigenous affairs had been transferred to other posts and one lawyer working in that field had been dismissed from the Office. Act No. 26160, regarding the possession and ownership of lands traditionally occupied by indigenous peoples, had still not been fully implemented, despite having entered into force in 2016. A large number of legal actions had been brought under the Act, particularly in connection with the Great Reserve of El Impenetrable Mowitob, in Chaco Province, and Lhaka Honat, in Salta Province. The right of indigenous peoples to give their free, prior and informed consent to the activities of actors in the extractive industries was being systematically violated. The public hearings held in that regard were inadequate and failed to make provision for input from representative bodies of indigenous peoples. Despite government claims that there were no protocols governing consultations, the "Kachi Yupi" protocol had been implemented by the Equipo Nacional de Pastoral Aborigen in Salinas Grandes, in Jujuy Province. No reparations had been received by communities for the environmental and health damage caused by the exploitation of natural resources.

23. The Government had issued a decree ordering the dismantling of the simplified tax regime for the farming sector, under which indigenous and campesino farmers and their families enjoyed pension and health insurance coverage. Such a move would have a negative impact on traditional farming methods and food security. Meanwhile, the rate of deforestation — carried out with authorization granted without prior consultation with local communities — had risen significantly, and the related environmental pollution had increased dramatically. The loss of ecosystems was hindering the intergenerational transmission of indigenous cultures and making it more difficult for artisans to find raw materials. Planned reforms to the Code of Criminal Procedure would prevent indigenous communities from bringing any class actions to challenge that state of affairs. Over 60,000 families, many of them members of indigenous groups, were currently involved in disputes over ownership of land.

24. Scant effort was begin made to provide bilingual and intercultural education and the content of educational programmes in no way reflected indigenous cultures. Although an autonomous education council for indigenous peoples had been set up, it had no influence over national public education policy. Indigenous mother tongues were declining at an alarming rate and there were few posts for indigenous teaching staff. A number of key public bodies working with indigenous peoples in the fields of agriculture, social security and the fight against discrimination had been hit by significant staffing cuts.

25. **Mr. Roncagliolo** (International Disability Alliance), speaking on behalf of the Federación Argentina de Instituciones de Ciegos y Ambliopes, the Mesa de Trabajo en Discapacidad y Derechos Humanos, the Observatorio de Salud Mental y Derechos Humanos and the Red por los Derechos de las Personas con Discapacidad, said that only around a third of all persons with disabilities currently held a valid single-disability certificate, a document that gave them rights in the areas of transport, medication, health, rehabilitation and inclusive education.

26. Unemployment among persons with disabilities stood at 85 per cent. The legal recruitment quota for persons with disabilities remained unfilled. Funding for programmes offering persons with disabilities training and help in finding a job had been reduced. The Government had failed to comply with a court order instructing it to reinstate over 170,000 non-contributory pensions that it had stopped paying. A number of officials of the national disability agency had been dismissed and some of its provincial offices had been closed down. Payments to persons with disabilities made under the Incluir Salud health programme had been delayed. Involuntary and illegal placements in mental health institutions, sometimes with fatal consequences, were widespread. There was a lack of accessible services in public hospitals and health centres and the sexual and reproductive health rights of women with disabilities were being violated. Persons with disabilities were being driven ever deeper into poverty owing to unemployment and the low level of both their incomes and their social security benefits.

27. **Ms. Morel** (Fundación Plurales) said that poverty had reached alarming levels in Argentina, above all affecting women members of communities living in isolated rural areas. Such communities faced numerous bureaucratic and economic obstacles when attempting to assert ownership of their ancestral lands or access the natural resources found

on them, and subsequently to obtain access to justice. Moreover, with the advent of Decree No. 820/2016, it had become easier for foreign individuals and legal entities to acquire land, in clear violation of article 75 of the Constitution on the recognition of the indigenous peoples of Argentina. Furthermore, the Government had failed to implement Act No. 26160 and Act No. 27400, which suspended evictions of indigenous communities from their ancestral lands, and Act No. 26331, on the protection of native forests. In many cases, the water found on the lands of indigenous communities had been contaminated with chemicals used in the extractive and farming industries. At least one million rural dwellers lived in housing not connected to the mains water system and many had to pay as much as six times more for a litre of water than consumers in urban areas.

28. **Ms. de León Lascano** (Fundación Plurales) said that the lack of access to natural resources undermined grassroots-level food sovereignty. Owing to government cutbacks, it was becoming increasingly difficult for families to collect native seeds that would allow them to grow good quality food at a relatively low cost. As a result, rural dwellers were being forced to take precarious temporary jobs, sometimes in exploitative conditions. In total, 70 per cent of women rural dwellers were currently employed in such work. The State had done little to tackle sexist and patriarchal attitudes towards rural women. The rates of gender-based violence and discrimination, femicide, teenage pregnancy and maternal mortality had soared in rural areas. Through its policy of evicting and uprooting rural communities, the Government had forced rural dwellers into an insecure and perilous existence on the outskirts of the cities.

29. **Mr. Uprimny** asked whether there had been any discussion in Argentina of the possibility of introducing taxes on sugary drinks or foods, or of increasing taxes on tobacco products.

30. **Mr. Mancisidor de la Fuente** asked why the number of indigenous persons in primary, secondary and higher education in Argentina had fallen so drastically. He said that he would be interested to hear to what extent provision was made within the State education system for indigenous mother tongues.

31. **Ms. Liebenberg** asked whether indigenous communities and small farmers and their families in Argentina were being evicted from their lands because the relevant legislation protecting them was not being effectively implemented, or because there were shortcomings in the corresponding normative framework.

32. **Ms. Rios** (Fundación Interamericana del Corazón) said that the measures to reduce the consumption of sugary drinks and tobacco through taxation proposed in the report of the Fundación Interamericana del Corazón were highly cost-effective. However, recent efforts to introduce a tax on sugary drinks had floundered in the face of opposition from sugar producers and soft drinks manufacturers. The impact of a move in 2016 to increase the price of Argentine tobacco by 50 per cent had been entirely offset by inflation. More recent tax reforms introduced by the Government relating to cigarettes had not had any effect on tobacco consumption.

33. **Mr. Auletta** (Equipo Nacional de Pastoral Aborigen) said that the introduction of bilingual intercultural education in Argentina had stalled on account of budgetary constraints and a lack of political will on the part of the national authorities. The curriculum used in the formal education system referred to only mainstream Argentine culture and promoted a uniform national identity that did not reflect the cultural diversity of the country's indigenous communities. Moreover, the negative rhetoric used by some political figures did little to encourage the roll-out of bilingual intercultural education in the country or to promote the inclusion of indigenous peoples.

34. **Ms. Morel** (Fundación Plurales) said that the greatest problems facing indigenous peoples in Argentina stemmed from the non-application of laws designed to protect their rights and their ancestral lands. Despite Act No. 26160 constituting an emergency measure that was to be applied with immediate effect, certain provincial courts neglected to do so, thereby denying indigenous communities access to justice. Consequently, judicial or administrative decisions ordering the removal or eviction of indigenous communities from their ancestral lands, including native forests, went unchallenged and were more often than not enforced. The right of indigenous communities to be consulted prior to the national

authorities allowing extractive or forestry activities to take place on their ancestral lands was likewise flouted in the majority of cases.

35. **Mr. De Schutter** said it was his impression that Decree No. 820/2016, which was supposed to protect communities against land-grabbing, did not apply throughout the national territory. It would be useful to hear more about the shortcomings associated with that decree and the protection that it offered.

36. **Mr. Sadi** said that, while there was strong evidence to suggest that the consumption of tobacco and unhealthy foods had a detrimental effect on health and ought to be discouraged, that matter fell outside the Committee's purview. It should be raised instead with the World Health Organization, which had the authority to take action.

37. **Ms. Ríos** (Fundación Interamericana del Corazón — Argentina) said that, while the World Health Organization was indeed the body competent to address the medical aspect of the issue, the Committee was competent to address violations of related rights, such as the right of consumers to information. The Committee might consider urging the Government of Argentina to take more restrictive measures to protect public health and to reduce the risk factors associated with chronic non-communicable diseases.

Mali

38. **Ms. Sanou** (Coalition Malienne des Défenseurs des Droits Humains) said that, in recent years, restrictions had been introduced concerning the freedom of expression and the freedom to protest. Human rights defenders were unable to move around the country and had been forced to relocate to the south of Mali because of security challenges.

39. Measures should be taken to transpose the international legal instruments ratified by Mali, in particular the Rome Statute of the International Criminal Court, into domestic legislation. Cooperation with the Court should be increased to facilitate the granting of reparations relating to economic, social and cultural rights, in particular the restoration of cultural sites and heritage sites. Legislation protecting victims and witnesses should be adopted, together with a framework strengthening the justiciability of human rights and supporting legal actions brought by victims. The Government should ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Lastly, a decree should be adopted to set out the procedures for implementing Act No. 2018-003 of 12 January 2018 on human rights defenders, which provided protection for women defenders and defenders with disabilities in particular, and the mechanism for protecting defenders should be allocated sufficient human, material and financial resources.

40. **Mr. El Moctar** (Plate-forme Droits Economiques, Sociaux et Culturels du Mali) said that, currently, the situation in Mali regarding all the rights covered by the Covenant was extremely problematic. Legislative measures should be adopted that made youth employment a top priority for the Government and that took into account all the social aspects of the issue and provided for funding mechanisms. Unemployed young graduates should be given access to unemployment benefit, in line with article 20 of the Social Security (Minimum Standards) Convention, 1952 (No. 102) of the International Labour Organization, an instrument to which Mali should become a party. The provisions of the national social protection policy and action plan should be effectively implemented. Steps should be taken to significantly increase the processing of agricultural produce within Mali. Funds providing technical support and guarantees relating to housing should be set up as soon as possible to reduce related costs and interest rates. It was essential that women should enjoy the right to have access to, and should be able to manage, land without discrimination.

41. Medicines and health care designed to prevent malaria should be provided free of charge. Legislative measures should be adopted to protect the right to health within the context of costs that were rising as a result of the privatization of the health-care system. Essential medicines should be considered social goods, not commercial products.

42. In order to tackle school dropout, education should be provided to all children free of charge. Canteens should be set up in primary schools, boarding schools should be opened for secondary school-age children and accommodation should be provided for

university students. Funding for human resources and scientific research should be increased in order to strengthen and improve the education system and its management. There should be more focus on providing education specifically tailored to the needs of members of nomadic populations and their children and the Ministry of Education should draw up and implement a strategy for preventing the radicalization of students in Qur'anic schools. The social value of Malian culture from the point of view of diversity should be formally recognized and Malian heritage better protected from transnational companies seeking to establish patents.

43. **Mr. Windfuhr** said that he would be interested to hear what core issues relating to land management should be brought up during the Committee's dialogue with the Malian delegation. In preparation for the dialogue, more information on the scope of the ongoing process of privatization of the health-care service in Mali and the pace of that process would be useful. He asked whether both rural and urban dwellers had difficulties obtaining housing and whether there were any related issues that the Committee should raise with the Malian delegation.

44. **The Chair**, speaking as a member of the Country Task Force, asked whether it was true that the Malian health-care system was not currently functional.

45. **Ms. Sanou** (Coalition Malienne des Défenseurs des Droits Humains) said that Malian agricultural law accorded 15 per cent of land earmarked for development to women and persons with disabilities. However, such land was located in only three communities and represented only a fraction of the national territory. In rural areas, only village chiefs, neighbourhood leaders and heads of household could own land, thus excluding women. Although women could cultivate their husband's land, they could never be landowners in their own right. Customary law dictated that, when a male landowner died, the land was to be passed on to a male relative. The Committee should press the Government of Mali to rectify that situation.

46. **Mr. Mahamar** (Plateforme des droits économiques, sociaux et culturels du Mali) said that, in an effort to minimize the cost of health care, compulsory health insurance for civil servants and a community-run health insurance scheme for the poor had been introduced. There was a general move towards a universal health insurance scheme that would cover the entire population. However, putting such a scheme into practice continued to pose a challenge. A large number of people chose to be treated at recently opened private clinics and surgeries owing to their closer proximity to the community, despite having to pay. That reality underscored the need to improve access to community health-care centres. It was likewise necessary to find a way to incorporate private health-care facilities into the proposed universal health insurance scheme.

47. The high costs associated with the upkeep of housing could be attributed to the building materials used. That outlay also had a negative impact on social housing tenants, who often ended up paying exorbitant rents. Measures needed to be taken to reduce the cost of the materials in question, such as sourcing them locally.

Germany

48. **Ms. Mahler** (German Institute for Human Rights) said that the signing and ratification of the Optional Protocol to the Covenant by Germany had been delayed again owing to the need to conduct a further review of the necessary legislative amendments.

49. Protection against discrimination, particularly substantive discrimination, was not fully guaranteed in the German education system. Despite some progress, Germany had not succeeded in breaking the link between students' socioeconomic background and long-term educational success, particularly in the case of students from a migrant background. Students with special educational needs were still taught in special schools and often failed to obtain a secondary-school leaving certificate. Moreover, human rights education in schools was generally found to be lacking.

50. While the General Equal Treatment Act offered protection against age-based discrimination in the areas of labour law and civil law, it did permit such discrimination for the purpose of performing actuarial calculations for insurance and the provision of financial

services. Unequal treatment in public law was only covered by the Basic Law and not the General Equal Treatment Act.

51. In Germany, more than half of all persons with disabilities of working age were not integrated into the labour market. In addition, the transition rate from sheltered workshop activities to the general labour market was very low.

52. Following the revision of the Asylum Seekers' Benefit Act in 2015, the benefits available to asylum seekers approximated general social security benefits. However, a regulation had subsequently been introduced which had replaced the "personal needs payment", previously paid as a cash sum, with "benefits in kind". For legal and practical reasons, the majority of children staying in initial reception facilities for refugees and asylum seekers were unable to attend school for extended periods of time. Recently enacted legislation had extended the two-year suspension of the right to family reunification for persons recognized as beneficiaries of subsidiary protection.

53. In Germany, intersex children were still subject to medically unnecessary and deferrable operations and therapies. Those interventions were generally irreversible and could cause severe long-term physical and psychological suffering. The coalition agreement agreed on by the parties in government provided for a statutory ban on non-consensual gender-modifying medical interventions on intersex children. Work on the related bill had already begun.

54. It remained to be seen whether the overhaul of the legal framework for the provision of care would enhance the quality of everyday care. Legal reforms needed to be accompanied by structural change in everyday care to ensure that the human rights of both care recipients and caregivers were better protected.

55. The Committee should urge the Federal Government to expand the scope of the General Equal Treatment Act and broaden the mandate of the Federal Anti-Discrimination Agency to deal with a broader range of complaints.

56. **Ms. Dietrich** (Nationale Armutskonferenz) said that, despite the Committee having called upon the Federal Government to adopt and implement a comprehensive anti-poverty programme in its previous concluding observations (E/C.12/DEU/CO/5), poverty reduction was still largely neglected.

57. The Committee had likewise expressed concern over the large proportion of the population who, despite being economically active, still required income support as their earnings did not sustain them. Regrettably, some 1.1 million employed persons currently earned so little that they were dependent on benefits to subsist. A study by the Institute of Economic and Social Research showed that in-work poverty had doubled between 2004 and 2014. Although the Federal Government maintained that employment placement was the most important means of poverty reduction, statistics showed that the recent decline in unemployment had not led to a reduction in poverty. Job growth in Germany was, to a large extent, the result of an expanding low-wage sector. Women accounted for two thirds of the 7 million workers with a so-called "mini-job", which seldom led to regular employment. The Federal Government should take steps to combat poverty among the employed and to promote decent work, fair wages and the containment of the low-wage sector, in addition to job growth.

58. Any perceived failure to cooperate with employment placement services could lead to the imposition of sanctions, which could result in the reduction or even the denial of benefits. A total of 953,000 sanctions had been imposed in 2017. Persons under 25 years of age were subject to drastic sanctions if they did not accept or left a job or dropped out of an educational programme. Persons subject to sanctions could face existential threats when they entailed cuts to their accommodation allowance, which could lead to eviction and homelessness. Furthermore, a large proportion of the sanctions imposed were actually unlawful, given that 38 per cent of all lawsuits or legal challenges against sanctions were successful. From a human rights perspective, the regulations governing sanctions ran counter to the Covenant as they cut the basic subsistence allowance, forced recipients to accept precarious work and discriminated on the basis of age. Sanctions that threatened minimum subsistence should be abolished without delay.

59. **Ms. Lüst** (Aktion GEN-Klage) said that, contrary to what was stated in the report, the Federal Government had not applied a human rights-based approach to its international trade and agriculture policies or provided information on its policy regarding the protection of health in the context of food containing genetically modified organisms. Genetics companies were developing new strategies and Germany was moving its production abroad, where German laws such as the Genetic Engineering Act did not have to be applied or could be circumvented.

60. The introduction of new, untested genetic varieties could have negative health consequences. More and more untested genetically modified organisms were being imported into the European Union for use in feed and food and contamination from genetically modified organisms was increasing. Furthermore, importing genetically modified soya led to human rights violations in producing countries and destroyed the livelihoods of German farmers. The Bayer-Monsanto merger would likely exacerbate the situation of farmers by further restricting variety selection and diversity and dictating prices.

61. The Federal Government should take steps to protect the interests of farmers and consumers and to safeguard national food sovereignty by setting up a national seed fund for projects to develop reproducible seeds that were free of genetically modified organisms, banning the use of genetic engineering in the production of animal feed and food and in other agricultural activities, reducing its dealings with large companies that outsourced their production and prohibiting the import of genetically modified soya from abroad.

62. **Mr. Litschke** (Forum Menschenrechte), recalling that the Federal Government had already accepted the communication procedures under other United Nations human rights treaties that dealt with economic, social and cultural rights, said that it should ratify the Optional Protocol to the Covenant without any further delay.

63. Despite the Federal Government's efforts, the situation of refugees, asylum seekers and migrants remained a cause for concern. The Committee should urge the Federal Government to ensure that asylum seekers could leave reception centres as soon as possible and were granted unrestricted access to the health insurance system; that the right to family unification was not so severely restricted; and that persons with an irregular residence status, particularly women, were able to report crimes committed against them without triggering immigration enforcement procedures.

64. The Committee might also wish to address problems such as homelessness, evictions and the lack of accessible housing for persons with disabilities and older persons, which were attributable to high rents in cities, a lack of State-funded social housing and inadequate social welfare. It might also consider taking up the issue of the growing resistance to the inclusion of persons with disabilities in the labour market and the education system.

65. **Ms. Leifker** (Forum Menschenrechte) said that the Federal Government's continued reluctance to introduce the binding regulations necessary to prevent and redress violations of Covenant rights committed by German businesses abroad was a serious cause for concern. Germany should follow the example of other European countries by adopting binding human rights due diligence standards. According to the National Action Plan on Business and Human Rights, if less than 50 per cent of all companies with more than 500 employees based in Germany had incorporated the elements of human rights due diligence by 2020, the Federal Government would consider further action, which might include legislative measures. However, it was not enough for only 50 per cent of companies to adopt human rights due diligence standards. Such standards should be adopted across the board, including in public procurement and external trade promotion. Moreover, the human rights risks posed by German business ventures abroad should be subject to rigorous assessment.

66. The Committee might consider recommending that Germany should establish a legal framework that required German businesses to comply with human rights due diligence standards; made compliance with such standards a prerequisite for the conduct of public procurement and external trade promotion activities; and guaranteed that victims of human rights abuses committed by German companies had access to justice.

67. **Mr. Schultz** (Stiftung für soziale Menschenrechte und Partizipation) said that growing right-wing populist forces were intent on discriminating against and marginalizing entire sectors of the German population. The realization of social rights for all was therefore more important than ever. The Committee should urge the Federal Government to sign and ratify the Optional Protocol to the Covenant without further delay or to provide, at the very least, a specific time frame for doing so. The Committee might also recommend the inclusion of social rights in the country's Basic Law and in all other relevant legislation and urge the Federal Government to address the general housing shortage, evictions and violent attacks on homeless people.

68. **Mr. Frey** (Forum Pflege Aktuell) said that, although the Committee had previously expressed concern about the conditions in German nursing homes (E/C.12/DEU/CO/5), there was no indication in the sixth periodic report of Germany that they had improved. At present, there was a shortage of nursing staff, and there were reports that some patients received insufficient food and water or were subject to measures constituting illegal deprivation of liberty or restrictions of their rights. Other patients were reportedly victims of intentional or negligent killing. The Federal Government should not allow such treatment to occur and should fulfil its obligations under the Covenant.

69. **Ms. Schlüchter** (Arbeitskreis Arbeit/Soziales Attac München) said that approximately 30 per cent of children went to school without breakfast and many, especially those from disadvantaged backgrounds, were at risk of malnutrition as lunch was not provided in all schools. The Committee's recommendation for schools to provide meals (E/C.12/DEU/CO/5) had not been implemented and it was left to private initiatives to provide food. In addition, a shortage of childcare meant that poor parents were unable to participate in social life, which contributed to the increasing gap between rich and poor.

70. **Ms. Bader** (Doctors of the World Germany) said that changes to the law on access to social welfare had reduced the right of non-nationals to access social services, which had mainly affected unemployed European Union citizens. Moreover, European Union citizens in formal employment or with the right to reside in Germany had limited health care for their first five years of residence, and had no right to the reimbursement of any health-care costs.

71. Asylum seekers also faced restricted access to health care, both in terms of the duration of care and their entitlements. Undocumented migrants were only entitled to receive care in childbirth or in cases of emergency. However, many undocumented migrants did not use their entitlements for fear of deportation, as treatment providers were legally required to report them to the immigration authorities. The Government should revise existing legislation and abolish the requirement to report undocumented migrants, which had already been repealed in the education sector; remove all restrictions on access to health care for non-nationals living in Germany; implement a monitoring system to ensure that decisions in individual cases did not violate the right to health; and collect and report data on the impact of the current health-care restrictions.

72. **Mr. Mimkes** (Food International Action Network Deutschland) said that, in its extraterritorial obligations, Germany focused on voluntary instruments, which were insufficient to prevent human rights abuses. In its replies to the Committee's list of issues (E/C.12/DEU/Q/6/Add.1), the Government stated that victims of human rights violations caused by German companies abroad could bring cases before civil courts in Germany. However, the cases it cited did not prove that victims really had access to remedies, as they had been supported by German civil society organizations. The Government should establish binding regulatory mechanisms to prevent the violation of human rights by companies engaging in foreign investment or business activities abroad, and Germany should participate in the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights.

73. Although the German constitution, the Basic Law, acknowledged that land governance had a human rights dimension, the number of farms in Germany had fallen by 10 per cent since 2011. The price of farming had risen steeply and it had become difficult to enter into farming as State support was biased towards larger farms. The Government should protect small-scale agriculture; request information about activities undertaken to

ensure equitable access to land; address discrimination against small-scale farming; assess legal loopholes relating to land transactions; and monitor large land transactions to address the concentration of land ownership.

74. **Mr. Kayiira** (Wake Up Madudu Group) said that, in 2001, the inhabitants of the Mubende District in Uganda had been forcibly evicted so that their land could be used by the Kaweri Coffee Plantation, a subsidiary of the Neumann Kaffee Gruppe, based in Hamburg. The victims had filed a case in the High Court of Uganda in 2002, but the case had not yet been concluded. Moreover, although the Committee had recommended that the Government of Uganda restore the victims' land rights (E/C.12/UGA/CO/1), no action had yet been taken. In 2017, his organization had appealed to the German Government to work with the Ugandan Government to implement the Committee's recommendation, but had been told that the situation was a Ugandan internal matter. The Committee should request the German Government to work with its Ugandan counterpart to restore the victims' land rights and pay damages.

75. **Ms. Cerisier** (Women's International League for Peace and Freedom/European Center for Constitutional and Human Rights) said that, despite its legal obligations, Germany continued to sell weapons to countries with dubious human rights records. In September 2018, Germany had approved sales of arms to Saudi Arabia, the United Arab Emirates and Jordan, even though the Federal Government had previously agreed to stop selling arms to countries involved in the Yemeni civil war. Such sales were likely economically motivated, even though the Government had stated that arms sales were not part of its economic policy. The Government should uphold its treaty obligations by immediately stopping sales to countries in the Saudi-led coalition forces in Yemen.

76. **Ms. Geyer** (Women's International League for Peace and Freedom/European Center for Constitutional and Human Rights) said that international organizations of which Germany was a member imposed austerity measures that had contributed to the feminization of poverty and the increase of gender equality. Moreover, in response to a perceived threat from refugees, there had been a rise in the number of small-arms licences granted, which, in turn, could lead to an increase in all forms of violence. The Government should therefore raise awareness of the impact of xenophobic propaganda and monitor the impact of granting small-arms licences.

77. Female refugees and asylum seekers continued to face violence in reception centres, and were often unable to seek protection owing to language barriers and a lack of information. Reception centres should introduce gender-sensitive measures to protect women, including by offering training for staff and awareness-raising activities to inform female refugees and asylum seekers of their rights.

78. **Ms. Trau** (Bundesvereinigung Trans/Jugendnetzwerk Lambda) said that German law recognized gender recognition based on self-determination, which enabled transgender people to change their name and official gender marker. However, the relevant law was outdated and required applicants to obtain two expert opinions and have a meeting with a judge in order to have their gender recognized. As human rights experts and progressive scientists agreed that the individuals concerned were the only people qualified to provide information about their gender identity, the law was a violation of the dignity and right to self-determination of transgender people. Although the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth had drafted a bill that would partially amend the law, it would only cover a small proportion of the people affected. The law should be replaced by gender recognition legislation that guaranteed a quick, transparent and universally accessible process based on self-determination.

79. Children who were gender-diverse, meaning transgender, non-binary or identifying as neither male nor female, were often unable to avoid places where they faced discrimination, including school and home. They were more vulnerable to depression and suicide than their peers, although rates were significantly lower among those in a socially supportive environment. The relevant legislation should therefore be amended to allow minors to access gender recognition procedures without requiring the support of their legal guardians.

80. The German medical system did not address the specific needs of gender-diverse people, and coverage of medical treatment for transgender people was based on landmark court rulings rather than the social security code. Many gender-diverse people, particularly in rural areas, struggled to receive basic medical support owing to their reliance on the decisions of individual health-care professionals and insurance providers. The Committee should recommend the incorporation of transgender-related medical treatments into the social security code and the development of medical treatment for all people with gender-diverse identities.

81. **Ms. Laurence** (Arts Rights Justice Working Group) said that members of her organization working in music, the theatre and academia had been monitoring artistic freedom in Germany. As in other European countries, the main threats to artistic freedom came from third parties, such as commercial entities or political groups. However, the Government had worked to uphold artistic freedom when it had been challenged, and had also supported initiatives to promote and protect artistic freedom, including the Arts Rights Justice Programme at the University of Hildesheim and the Martin Roth-Initiative. The Federal Foreign Office had hosted a debate on artistic freedom and, in October 2018, the Goethe-Institut in Beirut would host a discussion on artistic freedom in the Arab world. Such initiatives should be encouraged.

82. **Mr. De Schutter** (Country Task Force) said that he wished to know whether a case had been brought in the German courts against the Neumann Kaffee Gruppe. He would also appreciate information as to the reasons why sanctions had been imposed on social welfare recipients.

83. **Mr. Sadi** said that he shared the concerns expressed about genetically modified food. The German Government could consider setting an example by amending the right to food to exclude genetically modified food.

84. **Mr. Kayiira** (Wake Up Madudu Group) said that his organization had brought a complaint against Neumann Kaffee Gruppe under the national guidelines of the Organization for Economic Cooperation and Development (OECD). However, while the complaint was being processed, the head of the OECD desk in the Federal Ministry of Finance had been unable to continue her duties, which had been taken over by an official from the Ministry. The complaint had then been prematurely concluded in favour of the company.

85. **Ms. Dietrich** (German Anti-Poverty Network) said that young, unemployed recipients of social welfare were the most likely to be sanctioned. In 2017, the average reduction in welfare entitlements had been 19 per cent, corresponding to an average of over €100 per month, but the average reduction among young people had been over 30 per cent, or approximately €127 per month.

86. **Ms. Mahler** (German Institute for Human Rights) said that social welfare sanctions were largely imposed because recipients did not attend appointments, complete the necessary paperwork or submit all required evidence, or if they changed address without permission.

87. **Ms. Lüst** (Aktion GEN-Klage) said that nationwide labelling obligations in Germany excluded animal feed and animal products, which made it possible for genetically modified products to be imported. The Government had a duty to ensure that all genetically modified foods were labelled.

88. **Ms. Leifker** (Forum Menschenrechte) said that, in the German court system, cases where the human rights of entire communities had been violated by a country's actions abroad must single out four claimants from the affected community. The Government was aware of the problem, but had not yet addressed it in the justice system. It was worth noting that the Committee's general comment No. 24 (2017) on State obligations under the Covenant in the context of business activities had been useful to NGOs working on issues related to business and human rights.

The meeting rose at 6 p.m.